REMARKS

Upon entry of the present amendment, claims 1-6, 8, 16 and 18 will remain pending in the above-identified application and stand ready for further action on the merits.

The amendments made herein to the claims do not incorporate new matter into the application as originally filed. For Example, support for the amendments made to each of claims 1 and 18 occurs in the originally filed specification at page 21, line 25, page 23, lines 8-11 and page 41, line 6.

Accordingly, because the instant amendments to the claims do not incorporate new matter into the application as originally filed, entry of the instant amendment is respectfully requested at present.

Claim Rejections Under 35 USC § 103(a)

In the outstanding office action, claims 1-6, 8, 16 and 18 have been rejected under 35 USC § 103(a) as obvious over each of (1) Emery et al. '095 (US 6,191,095) and (2) Atkinson et al. '466 (US 4,900,466). Reconsideration and withdrawal of each of these rejections is respectfully requested based on the amendments made herein to the claims, and the following considerations.

Legal Standard for Determining Prima Facie Obviousness

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

"There are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art." *In re Rouffet,* 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998). The level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999).

"In determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the

reference before him to make the proposed substitution, combination, or other modification." *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also *In re Lee*, 277 F.3d 1338, 1342-44, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Distinctions Over the Cited Art

Emery '095

It is submitted that the cited art references of Emery et al. '095 is incapable of negating the patentability of the pending claims (claims 1-6, 8, 16 and 18) under the provisions of 35 USC § 103(a).

In the Emery '095 disclosure composite detergent particles containing builder particles B1 are obtained by spray-drying two or more water-soluble substances (i.e., tripolyphosphate and silicate in the examples). However, in instantly pending claim 1 it is positively recited as follows:

> …detergent additive particles (a) comprising 30 to 100% by weight of two or more kinds of water-soluble substances wherein a molar ratio of other one or more kinds of water-soluble substances to one kind of water-soluble substance is 7/3 or less, wherein the water-soluble substances comprise a water-soluble polymer and ***an inorganic water-soluble salt that is an alkali metal salt, ammonium salt or amine salts, each having a carbonate group, a sulfate group or a sulfite group***, and further optionally comprising less than 4% by weight of a surfactant and/or 70% by weight or less of a water-insoluble substance…. (emphasis added)

Accordingly, it is submitted that the cited Emery '095 reference provides no motivation to arrive at the invention recited in pending claim 1 (or the remaining claims that all depend there from), since Emery '095 provides no teaching or motivation to those skilled in the art that would allow them to arrive at the invention being instantly claimed (*e.g., see the above noted portion of claim 1*). Absent such motivation and teachings in the cited art of Emery '095 the outstanding rejection under 35 USC § 103(a) based thereon cannot be sustained.

Atkinson et al. '466

Similarly, the teachings and disclosure of Atkinson et al. '466 also fail to teach or disclose or render obvious each of the limitations recited in the pending claims, and provide no motivation to those of ordinary skill in the art that would allow them to arrive at the instant invention as claimed.

In the office action, the Examiner seems to only refer to detergent additive particles. The pending claims, however, are directed to composite detergent particles obtained by dry-mixing detergent additive particles (a) and detergent particles (b). Further, in instant claims 1 and 18 the weight ratio of detergent additive particles (a)/detergent particles (b) is now recited to be 15/85 to 40/60 (*see claim 1*) and 20/80 to 35/65 (*see claim 18*). Nowhere in the cited art of Atkinson et al. '466 reference is any teaching or motivation provided to those of ordinary skill in the art that would allow them to arrive at composite detergent particles as instantly claimed having such a mixture of particles in such a ratio, or a granular detergent containing such composite detergent particles. As such, it is submitted that the cited Atkinson et al. '466 reference is incapable of rendering obvious the present invention as claimed.

Also, it is noted that claim 1 has been amended to recite that the content of surfactant in the detergent additive particles (a) is "less than 4% by weight", which is not taught or rendered

obvious by the disclosure of the cited Atkinson et al. '466 reference.

CONCLUSION

Based on the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance indicating that each of the pending claims 1-6, 8, 16 and 18 are allowed and patentable under the provisions of title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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